

**REMARKS**

Claims 1-17, 23-25, and 27 are pending in this application. Claim 25 has been amended and claim 26 has been cancelled as a result of this response. Claim 1 is the sole independent claim.

**OBJECTION TO THE DRAWINGS**

The Examiner has objected to the drawings under 37 C.F.R. § 1.83 for failing to show a plurality of canals. Applicants have amended Fig. 1 to illustrate the plurality of canals. A plurality of canals is supported by at least page 6, line 30, page 10, line 14, and page 11, lines 2 and 4 of the original specification. Applicants have also amended the specification to refer to canals (10). Entry of the specification changes, the changes to Figure 1, and the formal drawing of Fig. 1, which is also attached hereto, is respectfully requested.

**TELEPHONIC INTERVIEW**

Initially, Applicants respectfully thank Examiner Ni for taking the time to conduct a telephonic interview with the undersigned on March 30, 2004, in connection with the above-identified application. Applicants believe they have made the proper amendments to the figures, specification, and claims in order to place presently pending claims 1-17, 23-25, and 27 in condition for allowance.

**ALLOWABLE SUBJECT MATTER**

Applicants acknowledge the Examiner's indication that claims 6, 8-10, and 13-14 contain allowable subject matter. For reasons set forth below, Applicants believe that each of claims 1-17, 23-25, and 27 is allowable.

**35 U.S.C. § 112, SECOND PARAGRAPH**

Claim 25 has been rejected under 35 U.S.C. § 112, second paragraph, in accordance with the discussion Examiner Ni, Applicants have amended claim 25 and cancelled claim 26, in order to obviate this rejection. Reconsideration and withdrawal of this rejection is respectfully requested.

**ART REJECTIONS IN VIEW OF PLICE**

Claims 1-3, 7, 11, and 23-27 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,000,381 to Plice et al. Claims 4-5, 12, and 15-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Plice et al. These rejections, insofar as they pertain to the presently pending claims, are respectfully traversed for the following reasons.

As set forth in Applicants prior response of September 22, 2003, and in the telephonic interview of March 30, 2004, Applicants respectfully assert that independent claim 1 recites that the moveable diaphragm is positioned between the first and second flux generators and forms part of the magnetic flux path of the actuator. Plice et al. does not disclose the that the moveable diaphragm is positioned between the first and second flux generators. In contrast, the diaphragm

of Plice et al. is positioned at one side of the first and second flux generators. As a result, it is clear that the diaphragm 32 of Plice et al. does not form part of the magnetic flux path.

Applicants further respectfully submit that the spring member 34 also does not qualify as a movable diaphragm, within the context of independent claim 1. In accordance with Examiner Ni's suggestions, Applicants have amended independent claim 1 to recite that the moveable diaphragm produces an acoustic output, which is clearly not the case for the spring member 34 of Plice et al.

Accordingly, reconsideration and withdrawal of the art rejections based on Plice is requested.

### **CONCLUSION**

In view of the above amendments and remarks, reconsideration of the various objections and rejections and allowance of claims 1-17, 23-25, and 27 is respectfully requested.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$110.00 extension fee herewith.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

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John A. Castellano, Reg. No. 35,094  
P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

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